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I hereby certify that on August 22, 2002, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, Washington, DC 20231.

Trudi Thompson

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PATENT

Applicant: **Brown**
Serial No.: **09/246,603**
Filed: **February 8, 1999**
Title: **SYSTEM FOR LOCATING
INFLAMED PLAQUE IN A
VESSEL**

Examiner: **B. Casler**
Group Art Unit: **3737**
Atty Docket No.: **21120-202**

#21/BNE
JH
6-20-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO OFFICE ACTION

Commissioner of Patents
Washington, DC 20231

Dear Sir:

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TECHNOLOGY CENTER H3700

Applicant submits the following Response to the Final Office Action dated May 15, 2002 in the above referenced patent application.

INFORMATION DISCLOSURE STATEMENT

The Applicant submitted an information disclosure statement with its Request for Continued Examination in the instant application filed on February 11, 2002. The Examiner lined out various references. In a telephone interview with the Examiner the undersigned was advised that the lined out references had previously been made of record in an information disclosure statement filed in the above referenced application by the undersigned's predecessor. The applicant respectfully thanks the Examiner for that clarification.

REJECTIONS BASED ON DOUBLE PATENTING

The Examiner rejected claims 1-5, 7-12, 14-19, 21-26, 28 and 29 under the judicially created doctrine of obviousness-type double patenting, in light of claims 1-22 of U.S. Patent No. 5,871,449. A Terminal Disclaimer is attached hereto which disclaims the terminal part of any patent granted on the above referenced patent application

which would extend beyond the expiration date of the full statutory period of U.S. Patent No. 5,871,449. The filing of the terminal disclaimer thereby obviates the double patenting rejection.

ALLOWABLE SUBJECT MATTER

The Examiner indicated that claims 6, 13, 20, and 27 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant asserts that this objection is now moot in light of the submission of the Terminal Disclaimer obviating the double patenting rejection.

CONCLUSION

For the foregoing reasons, all claims presently on file in the above referenced application are in condition for immediate allowance, and such action is respectfully requested.

If it is felt for any reason that direct communication with applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-1901.

Respectfully submitted,

August 22, 2002



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